

## **Assembly Bill No. 2222**

### **CHAPTER 565**

An act to add Article 1.5 (commencing with Section 680) to Chapter 5 of Division 3 of the Harbors and Navigation Code, relating to boating safety.

[Approved by Governor September 17, 2004. Filed  
with Secretary of State September 17, 2004.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

**AB 2222, Koretz. Boating safety.**

The Department of Boating and Waterways regulates the operation of vessels on inland and coastal waters of California. Existing law makes all money in the Harbors and Watercraft Revolving Fund available, to pay appropriations for, among other things, boating safety.

This bill would enact the Anthony Farr and Stacy Beckett Boating Safety Act of 2004. The act would make it unlawful to operate a motorized vessel, or have the engine of a motorized vessel run idle, while someone is teak surfing, platform dragging, or bodysurfing behind the motorized vessel, or while someone is occupying or holding onto the swim platform, swim deck, swim step, or swim ladder of the motorized vessel, as specified. By making a violation of these provisions an infraction, this bill would create a state-mandated local program.

The act would specify certain requirements for state-sponsored boating safety courses, require any new or used motorized vessel, when sold, to bear warning stickers as to the danger of carbon monoxide poisoning and boats, and require that certain informational materials distributed by the Department of Motor Vehicles with respect to renewals for boat registrations contain similar information about the dangers of carbon monoxide poisoning and boats. The bill would make these latter 2 requirements regarding warning stickers and informational materials operative on May 1, 2005.

The bill would permit the Department of Boating and Waterways to use funds in the Harbors and Watercraft Revolving Fund appropriated to the department to administer this act and to reimburse the Department of Motor Vehicles for its costs to administer this act.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*The people of the State of California do enact as follows:*

SECTION 1. The Legislature finds and declares all of the following:

(a) Carbon monoxide (CO) is a potentially deadly gas that is odorless, colorless, and tasteless and is found as a byproduct of internal combustion engines. CO enters the bloodstream through the lungs and displaces the oxygen needed by the body with a resulting hypoxia (suffocating) of body tissues. Symptoms of CO poisoning include rapid onset of headache, fatigue, nausea, dizziness, confusion, convulsions, and death.

(b) Marine engines are not subject to the same federal and state-mandated emission controls as automobiles and therefore have been able to emit dangerously high CO concentrations into the atmosphere, increasing the chance of exposure to potentially lethal amounts of CO.

(c) Federal officials have found that CO can gather in deadly concentrations behind ski boats, cabin cruisers, and even personal watercraft due to their propulsion engines.

(d) Dangerous levels of CO are often around swim decks and areas where occupants frequently sit or swim at the stern of the boat because the exhaust ports for both propulsion engines and generators are located nearby.

(e) The new trends of “teak surfing,” “platform dragging,” or “bodysurfing” seem to have increased the number of these poisonings. Victims can be overcome by carbon monoxide in a matter of minutes, even when monitored by other boat occupants.

(f) The National Institute for Occupational Safety and Health (NIOSH) within the Centers for Disease Control and Prevention (CDC), the United States Department of the Interior, and the United States Coast Guard have studied this issue extensively and have reported that these poisonings have reached “epidemic proportions.”

(g) These agencies have tracked 101 deaths and 402 poisonings through October 2003, with 34 poisonings in California alone. These numbers likely underreport the actual number of incidents because many deaths may be misdiagnosed simply as a drowning.

(h) There is a lack of awareness and knowledge among recreational boaters of the dangers of CO poisoning, which has resulted in many deaths and injuries.

(i) Three California families have recently suffered a devastating loss due to CO poisoning around boats. In May of 2003, 11-year old Anthony



Farr of El Dorado Hills died at Folsom Lake after being overcome by carbon monoxide while bodysurfing behind a family friend's boat. In September of 2001, 62-year old Bruce Allen (Skip) Bauer died while swimming near his boat at Lake Shasta. In July of 2000, 15-year old Stacy Beckett of Ontario died while platform dragging behind a boat in Mexico. Many others have lost their lives or have been poisoned in the same way around the country just in the last three years.

SEC. 2. It is the intent of the Legislature to do all of the following:

(a) Educate Californians and raise awareness about the dangers of carbon monoxide poisoning while boating.

(b) Make it a crime to operate a motorized vessel, or have the engine of a motorized vessel run idle, when someone is teak surfing, bodysurfing, or platform dragging behind the motorized vessel, or when someone is occupying or holding onto the swim platform, swim deck, swim step, or swim ladder.

(c) Urge manufacturers of motorboats to invest in research and development to do both of the following:

(1) Reduce the carbon monoxide emissions from their engines as soon as possible.

(2) Design a motorboat that would better protect boaters from all CO emissions.

SEC. 3. Article 1.5 (commencing with Section 680) is added to Chapter 5 of Division 3 of the Harbors and Navigation Code, to read:

Article 1.5. Anthony Farr and Stacy Beckett Boating Safety Act of 2004

680. This act shall be known as the Anthony Farr and Stacy Beckett Boating Safety Act of 2004, and may be cited as Anthony and Stacy's Law.

681. (a) It is unlawful to operate a motorized vessel or have the engine of a motorized vessel run idle while an individual is teak surfing, platform dragging, or bodysurfing behind the motorized vessel.

(b) It is unlawful to operate a motorized vessel or have the engine of a motorized vessel run idle while an individual is occupying or holding onto the swim platform, swim deck, swim step, or swim ladder of the vessel.

(c) Subdivision (b) does not apply when an individual is occupying the swim platform, swim deck, swim step, or swim ladder for a very brief period of time while assisting with the docking or departure of the vessel, while exiting or entering the vessel, or while the vessel is engaged in law enforcement or emergency rescue activity.



(d) “Teak surfing” or “platform dragging” means holding onto the swim platform, swim deck, swim step, swim ladder, or any portion of the exterior of the transom of a motorized vessel for any amount of time while the motorized vessel is underway at any speed.

(e) “Bodysurfing” means swimming or floating on one’s stomach or on one’s back on or in the wake directly behind a motorized vessel that is underway.

(f) “Vessel” has the same meaning as set forth in subdivision (e) of Section 775.5.

(g) A violation of this section is an infraction punishable by a fine of up to one hundred dollars (\$100). Nothing in this subdivision shall be considered in relation to a suspension, restriction, or delay of driving privileges, or in the determination of a violation point count as provided in Section 12810 of the Vehicle Code.

682. All state-sponsored boating safety courses and all boating safety courses that require state approval by the Department of Boating and Waterways shall incorporate information about the dangers of being overcome by carbon monoxide poisoning at the stern of a motorized vessel and how to prevent that poisoning.

683. (a) When a new or used motorized vessel is sold in California, the two carbon monoxide poisoning warning stickers developed by the Department of Boating and Waterways shall be placed on the motorized vessel. The smaller sticker shall be placed in the interior of the motorized vessel where it is immediately visible to the person operating the motorized vessel the larger sticker shall be placed facing out on the exterior of the stern or transom of the motorized vessel, unless the motorized vessel is inflatable and the sticker would not adhere to the surface of the stern.

(b) For a motorized vessel sold by a dealer, the dealer shall ensure that both warning stickers have been affixed prior to the completion of the transaction.

(c) For a motorized vessel sold by an individual, both stickers shall be included by the Department of Motor Vehicles in the new registration material provided to the new owner, and the new owner of the motorized vessel shall be notified that he or she is required to affix the smaller sticker in the interior of the motorized vessel where it is immediately visible to the operator of the motorized vessel and the larger sticker facing out on the exterior of the stern or transom of the motorized vessel, unless the motorized vessel is inflatable and the sticker would not adhere to the surface of the stern.

(d) A warning sticker already developed by the boating manufacturer may satisfy the requirements of this section if it has been approved in advance by the Department of Boating and Waterways.



(e) This section shall become operative on May 1, 2005.

684. (a) The Department of Motor Vehicles shall insert the Department of Boating and Waterways' informational brochure and warning stickers about the dangers of carbon monoxide poisoning and boats into the registration renewal materials mailed by the Department of Motor Vehicles to vessel owners for two consecutive two-year registration cycles and, thereafter, upon the recommendation of the Director of Boating and Waterways. These materials shall instruct vessel owners to place the two stickers in the motorized vessel so that the smaller sticker is visible to the person operating the motorized vessel and the larger sticker is facing out on the exterior of the stern or transom of the motorized vessel, unless the motorized vessel is inflatable and the sticker would not adhere to the surface of the stern.

(b) This section shall become operative on May 1, 2005.

685. The Department of Boating and Waterways pursuant to subdivision (a) of Section 85.2 may use funds in the Harbors and Watercraft Revolving Fund, created pursuant to Section 85, to administer this chapter and to reimburse the Department of Motor Vehicles for its costs to administer this chapter.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

